IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE AND ZONING VARIANCE - SE/cor. Park Heights Avenue and DEPUTY ZONING COMMISSIONER Rainbow Court OF BALTIMORE COUNTY (3 Rainbow Court) 3rd Election District 3rd Councilmanic District Case No. 88-317-XA Jerome L. Kolker, et ux * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners he in request a special exception for a disabled person to have a home occupation in an R.C.5 zone, and variances to permit four persons other than the disabled person to be employed in the home office of the home occupation, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Jerome L. Kolker, appeared, testified, and were represented by Richard Bloch, Frquire. Beverly J. Feldman, Larry Rosenthal, and Mr. & Mrs. Harry Eichner appeared as Protestants.

Testimony indicated that the subject property, known as 3 Rainbow Court, is zoned R.C.5. The Petitioner testified that since 1977, he has operated a $oldsymbol{\Sigma}$ wholesale lumber business from the subject property, which is his residence. The business involves buying lumber from the west coast and selling it to busiresses in Pennsylvania, Maryland, Delaware and New York. He indicated all business, except billing, is done by telephone with no storing of inventory or lumber at the subject property. Mr. Kolker testified his personal involvement in every aspect of the business is necessary as decisions need to be made regularly ? and as necessitated. He indicated the work is stressful and difficult due to competition with various businesses, many of international size. He indicated that since 1977 he has employed from one to four persons at this location. Currently there are four employees who are necessary to keep control of the in-

> 1) Rearing Date: 2:17 Aug. 297/Data Rd. 2)_ Hearing Date: _____ Date PD. ____ ZINING AIWISORY CONTINUS Planning FIRE Traffic CRITICAL ARIA

The company

Richard Bloch, Esquire Shiling and Bloch 12th Floor, 20 S. Charles Street Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE SE/corner Park Heights Avenue and Rainbow Court (3 Rainbow Court) 3rd Election District - 3rd Councilmanic District Jerome L. Kolker, et ux - Petitioners Case No. 88-317-XA

Dear Mr. Bloch

Enclosed please find the decision rendered on the above-referenced case. The Petitions for Special Exception and Zoning Variance have been Denied in accordance with the sitached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ Deputy Zoning Commissioner of Baltimore County

Enclosures

cc: Mr. & Mrs. Harry Eichner 5 Susan Court, Owings Mills, Md. 21117

Ms. Beverly Feldman 10 Melisa Court, Owings Mills, Md. 21117

4 Susan Court, Owings Mills, Md. 21117

Mr. Larry Rosenthal People's Counsel

Mr. Kolker testified that he begins his workday at 7:00 AM and ends his day anywhere from 5:30 PM to 7:30 PM. He indicated that in his opinion there is no exterior indication that a business is being conducted from his home. He indicated that on no occasion do customers come to his home.

Mr. Kolker testified that working from his home is required for health reasons. He testified that in 19.1, he had triple by-pass surgery and as a result of his heart condition, a great deal of care is needed with respect to diet and rest. In support of his claim, Mr. Kolker introduced as Petitioner's Exhibit 2 a letter dated September 10, 1987 from Jeffrey L. Quartner, M.D. to Richard Block, Esquire regarding Mr. Kolker's health condition. Dr. Quartner's letter states, in part that Petitioner is,

> "involved in a business which provides him significant stress. The nature of his disease requires that he be able to take rests if necessary and he does do this on a daily basis. Additionally, because of the fact that coronary artery disease development is related very closely to diet, special preparations of his foods is needed and he does accomplish this well in his working and home environment."

If continuance of this would be possible, I do feel that it would be in his best interests from a health standpoint. If I can provide you with more information related to this issue, please feel free to contact me."

At the hearing it was pointed out to the Petitioner that no where in Dr. Quartrer's letter does it state that Mr. Kolker is disabled. The Deputy Zoning Commissioner subsequently offered the Petitioner additional time to submit documentation supporting that Mr. Kolker is a disabled person as defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Testimony indicated that when the Petitioner found out that he was in violation of the zoning regulations and received a correction notice from the Zoning Office, he rented office space pending a decision on the Petitions filed.

The Protestants testified that they are opposed to the operation of the business out of the home as they fear the residential area will be expanded by

> Stephen C. Bernhert, R.P.L.S., #168 Surveying & Land Planning P.O. Box 244 Finksburg, Maryland 21048

> > October 28, 1987 Property Description

Being at the southeast corner formed by the intersection of Park Heights Avenue and Reinbow Court. Being Lot 1, Resubdivision of Percel "A" Section Two, Reinbow Perk. Plet Book No. 31, page 60. Also known as # 3 Reinbow Court in the 3rd (Third) Election District of Beltimore County, Meryland,

other individuals operating businesses out of their homes. The Protestants further disagreed with Mr. Kolker's testimony that there was no exterior evidence of a business being run from his residence. They indicated that the four to five cars parked out front each day by Petitioner's employees evidenced the business, as well as the more frequent visitation of utility and delivery trucks to the Petitioner's home than to other homes in the neighborhood.

The Petitioners request relief from Section 1A04.2B.8A, pursuant to Section 502.1, and from Section 307 of the (B.C.Z.R.).

Section 101 of the B.C.Z.R. defines a disabled person as follows.

Any person who at the time of the filing of a petition for special exception for a home occupation of a disabled person has been determined to be disabled or handicapped pursuant to the provisions and procedures prescribed in subsection 13-616(A)(1) of the Transportation Article of the Annotated Code of Maryland, 1977 Volume, 1980 Cumulative Supplement, as amended; in U.S.C.A. Sec. 416; in 29 U.S.C.A. Sec. 715; or in 42 U.S.C.A. Sec. 6001 (7). [Bill No. 27, 1981]

Neither at the time of the hearing, nor subsequent to the hearing, was any evidence introduced that indicates the Petitioner is a disabled person as defined by the B.C.Z.R. Therefore, regardless of whether or not the Petitioner presented sufficient evidence supporting the 502.1 requirements for a special exception or evidence of practical difficulty and unreasonable hardship for the variance request, the relief requested must be denied as there is no evidence to support the contention that Petitioner is disabled.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception and variances should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of of April, 1988 that a special exception for a disabled person to have a home occupation in an R.C.5 zone, and variances to permit four persons other than the disabled person to be employed in the home office of the

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Contract Purchaser:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for __ a home occupation of a disabled person in an RCS zone pursuant to section 1A04.2B.8A of the Baltimore County Zoning Ordinance.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s);

I/We do solemnly declare and affirm, under the penalties of perjury, that I-we are the legal owner(s) of the property which is the subject of this Petition.

N/A	JEROME L. KOLKER	- 13
(T) pe or Print Name)	(Type or Print Name)	· · · · · · · · · · · · · · · · · · ·
Signature	Spendeture	205 Le. J.
Address	SHIRLEY KOLKER (Type or Print Name)	PATE C
City and State	Signature Signature	KC1 / 1900
ttiorney for Petitioner;		DF .
Richard bloch, Shiling and Bloch, P.A.	3 Rainbow Court	363-6388
(Type or 1 rint Name)	Address	Phase No.
Gertand Book	Owings Mills, Maryland City and State	21117
2th Floor - 20 South Charles St. Address altimore, Maryland 21201	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted	
City and State	Richard Bloch or Tom Gurrison	
storney's Telephone No.: 332-0100	12th Floor - 30 South Charle Baltimore, Maryland 21201	s St.
	Address	Phone No.

is 71 of 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore Ur M.

Z C O - No. 1

home occupation, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

> Un Hellantanous ANN M. NASTAROWICZ Deputy Zoning Commissioner of Baltimore County

> > 5-18-5811

PETITICA FOR ZONING JAMIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-317-X4 The undersigned, legal owner(s) of the property situate in Bultimory County and which is described in the description and plat attached hereto and made a part hereof, hereby polition for a Variance from Section 1804.28.88 to permit four persons other than the disabled person to be employed in a home office used as a home occupation of a disabled person. Petitioner requests that this petition be considered and passed upon separately from the special exception petition Province of the state of the st filed by Petitioner relating to the same property to which this Petition relates. of the Zouing Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The nature of the office used as the home occupation of a disabled person requires for its operation four employees in addition to Petitioner.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the soming regulations and restrictions of Saltimore County adopted pursuant to the Zoning Law For Baltimore County.

	are the legal owner.	v declare and amm f perjury, that 1/e
Contract Purchaser:	,	this Pention.
N/A	Legal Owner(s):	
(Type or Print Name)	JEROME L. KOLKER	
Signature	Type or Print Name) X Signature	<u> </u>
Address		***
City and State	Signature Col	tev
Attorney for Petitioner:	Signature	***********
Richard Bloch, Shiling and Bloch, P.A. (Type or Print Name)	3 Rainbow Court	363-6363
Aural Can	Address	
Segnature	Owings Mills, Maryland	Phone No.
12th Floor, 20 S. Charles St.	City and State	~ * * * * *
Baltimore, Maryland 21201	Name, address and phone number of tract purchaser or representative of Richard Rich and Thomas	d legal owner, one-
City and State	Conserved bretefen Cit. frittl (mit. Link it?"	Station and Black
Attorney's Telephone No.: 332-0100	Name 12th Floor - 30 S. Of Baltimore, MD 21201	332-0100
(3PDFD==	Address	
ORDERED By The Zoning Commissioner of B of 19 7, that the required by the Zoming Law of Baltimore County, it out Baltimore County, that property be posted, and Commissioner of Baltimore County in Room 105. County, on the day of the Law of Baltimore County and the Law of Baltimore County of Room 105.	subject matter of this position &	phone No. day advertised, as liation through- fore the Zoning son, Baltimore e'clock

Zoning Commissioner of Bakknore County.

PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE SE Corner Park Hgts. Ave. & Rainbow Ct., 3rd District

OF BALTIMORE COUNTY

JEROME L. KOLKER, et ux, Petitioners

Case No. 88-317-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other

proceedings in this matter and of the passage of any preliminary or

final Order. Phyllis Cole Fredman

Phyllis Cole Friedman
People's Counsel for Baltimore County Peter Max Zumena

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 12th day of January, 1988, a copy of the foregoing Entry of Appearance was mailed to Richard Bloch, Esquire, Shiling & Bloch, P.A., 12th Floor - 20 S. Charles St., Baltimore, MD 21201, Attorney for Petitioners.

SUPPLEMENTAL STATEMENT TO PETITION FOR SPECIAL EXCEPTION

The Petitioner, JEROME L. KOLKER, and his wife, SHIRLEY KOLKER, own the property at 3 Rainbow Court, Owings Mills, Maryland 21117, which is also their domicile. The property is in an RC-5 zoning district. Mr. Kolker hereby petitions the Zoning Commissioner of Baltimore County (the "Commissioner") to authorize using a portion of the dwelling on the property for a home occupation of a disabled person for Petitioner pursuant to section 1A04.2B.8A of the Baltimore County Zoning Ordinance. Mr. Kolker is sixty-eight (68) years old. Six (6) years ago, he had triple coronary artery bypass surgery. Mr. Kolker is very involved with a Lusiness that results in significant stress to him. Mr. Kolker's physician has required that he take rests when necessary and Mr. Kolker does so daily. Also, special preparation of Mr. Kolker's food is necessary and Mr. Kolker has been able to do this well by remaining at home. Mr. Kolker's physician has stated that it is in his best interest from a health standpoint to remain at home. See Exhibit "A", letter from Jeffrey L. Quartner, M.D. Petiticier believes, from what his physician has advised him, that he has a disability and that this disability is severe enough that it is not in the best interest of Petitioner's health to work outside the home.

The office which Petitioner seeks to have in a portion of his home relates to the wholesale lumber business. The office's business is conducted entirely over the telephone. There would be no customers coming to the home. No deliveries of inventory would be made to the bose. No outside signs would be placed on the property. There would be no visible evidence of the office from the outside.

The room which would be used for the office is 850 square feet and the house has a total of approximately 3,700 square feet. The room devoted to the home occupation use would, therefore, be approximately 23% of the total area of the house. This meets the limit of being less than twenty-five percent (25%) of the total

CERTIFICATE OF PUBLICATION

Variance to permit 4 persons other than the disabled person to be employed in a home office used as a home occupation of a disabled person. Special Buoption-a home occupation of a disabled person of a disabled person of a disabled person of a disabled person in an RCS gone pursuant to § 1.404.28.69.

Fig. the event that this Petition is

in me every max this residen is granted, a ladiding permit may be issued within the thirty (30) day ap-peal period. The Zoning Commis-sioner will, however, entertain an

request for a stay of the semance of

said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hear-

Zuning Commissions of Baltimore Count

I ROBERT HAINE

published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on 1 Jan. 28, 1088

THE JEFFERSONIAN,

Gusan Sender Obrect

TABATZNIK, BABITT, PRISTOOP, M.D., P.A.

2724 North Charles Street

Baltimore, Maryland 21218 Telephone 301 - 338-2092

Bernard Tabaranik, M.D. Henry L. Bebitt, M.D. Allan S. Protoop, M.D. Stephen H. Pollock, M.D. Jeffrey L. Quartner, M.D. Dend A. Zimna, M.D.

September 10, 1987

Richard Bloch 20 S. Charles St. Baltimore, Md. 21201

Re: Jerome Kolker

Dear Mr. Bloch:

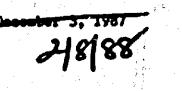
Mr. Jerome Kolker is a 68 year old gentleman who is now 6 years post coronary artery bypass surgery. He is very involved in a business which provides him significant stress. The nature of his disease requires that he be able to take rests if necessary and he does do this on a daily basis. Additionally, because of the fact that coronary artery disease development is related very closely to diet, special preparations of his foods is needed and he does accomplish this well in his working and home environment.

If continuance of this would be possible, I do feel it would be in his best interests from a health standpoint. If I can provide you with more information related to this issue, please feel free to contact me.

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 191-3353

Mr. & Mrs. Jerome L. Kolker 3 Reinbow Court Owings Mills, Maryland 21117

J. Robert Haines



Dennis F. Rasmuseen County Executive

Cece number: 88-317-A S/E Corner Park Heights Ave. & Rainbow Court (3 Rainbow Court) 3rd Election District - 3rd Councilmanic District Petitioners Jerome L. Kolker, et ux

Dear Mr. & Mrs. Kolker:

Please be advised that 99.71 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior ato the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION Sign Port ATER DATE 2-17-55 ACCOUNT F-C/-CITTOC - Springs Middle attorde Whole called 99.71 ARCRIVED Surger of Halker B 8 (48 * * * \$ * \$ 127 to y 727 25

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-317-A S/E Corner Park Reights Ave. & Reinbow Court (3 Relabow Court)

3rd Election District - 3rd Councilmonic District
Petitioner: Jerome L. Kolker, et ux
DATE/TIME: WEDNESDAY, FERRUARY 17, 1988 et 11:00 e.m.

Variance to permit 4 persons other than the disabled person to be employed in a home office used on a home occupation of a disabled person. Special Exception a home occupation of a disabled person in as RC3 mone pursuant to § 1A04.23.5A.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain MALTIMORE COUNTY to the day of the second sec HALTIMORE COUNTY, MARYLAND ved in this office by the date

OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

AMOUNT \$ 135.00

For the reasons and upon the facts stated above, Petitioner respectfully requests that the Commissioner grant a special exception for a home occupation of a disabled person for Petitioner pursuant to section 1A04.2B.8A of the Baltimore County Zoning Ordinance. Petitioner requests that a hearing be held on this matter.

APPIDAVIT

I SOLEMNLY AFFIRM under the penalties of perjury and upon personal knowledge that the contents of the foregoing Petition For Special Exception and the attached Supplemental Statement are true and correct to the best of my knowledge, information and belief.

> Operance 2 Hystocol JEROME L. KOLKER

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

Postrá for:	Little Martin
Patitioner:	Marine & Karry at is ex
rection of prope	ty. N. t. March March March Conserved Bright Street
1 2 3	* Property of the second of th
location of Sign	100 Survey Brown Hogger To Street Burney Commence

38/27

Exhibit "A"

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE February 10, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204 Richard Bloch, Esquire Shiling and Bloch, P.A. 12th Flox ' - 20 South Charles Street Baltimore, Maryland 21201

> RE: Item No. 167 - Case No. 88-317-XA Petitioner: Jerome L. Kolker, et ux Petitions for Zoning Variance and Special Exception

Dear Mr. Bloch:

Bureau of

Bureau of

Engineering

Department of

Triffic Engineering

Health Department

Project Planning

Building Department

Board of Education

Development

Zoning Administration

State Roads Commission

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours, Zoning Plans Advisory Committee

JED:kkb Enclosures

cc: Stephen C. Barnhart P.O. Box 244 Finksburg, Maryland 21048 Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

December 2, 1987

Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

Mr. J. Robert Haines

The Bureau of Traffic Engineering has no comments for items numbers 159, 160, 161, 162, 163, 165, 166, and (167)

Very truly yours, Michael S. Flanigan Traffic Engineer Associate II

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

James Dyer Zoning Supervisor James Thompson

FROM Zoning Enforcement Coordinator Item No.: 167 (if known)

SUBJECT Petitioner: KOLKER (if known)

VIOLATION CASE # C-88-50LOCATION OF VIOLATION 3 RAINBOW COURT

JERGME HOLKER

ADDRESS

ADD

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

1 SUSAN COURT OWINGS MILLS, MD 21117 FLORENCE SHAPIRO

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

TABATZNIK, BABITT, PRISTOOP, M.D., P.A. 2724 North Charles Street Baltimore, Maryland 21218

Telephone 301 - 338-2092

Berand Tabatant. N.D. Heary I. Babitt, M.D. Allan S. Prissoup, M.D. Seephen H. Pollock, M.D. Jeffrey L. Quartner, M.D. David A. Zimna, M.D.

September 10, 1987

Richard Bloch 20 S. Charles St. Baltimore, Md. 21201

Re: Jerome Kolker

Dear Mr. Bloch:

Mr. Jerome Kolker is a 68 year old gentleman who is now 6 years post coronary artery bypass surgery. He is very involved in a business which provides him significant stress. The nature of his disease requires that he be able to take rests if necessary and he does do this on a daily basis. Additionally, because of the fact that coronary artery disease development is related very closely to diet, special preparations of his foods is needed and he does accomplish this well in his working and home environment.

If continuance of this would be possible, I do feel it would be in his best interests from a health standpoint. If I can provide you with more information related to this issue, please feel free to contact me.

Mr. J. Robert Haines Novembur 12, 1987

Also, the entrance must be increased in width to a minimum

It is requested that these revisions be made prior to a hearing date being set.

If you have any questions, please contact Larry Brocato of the office at 333-1350.

Very truly yours, Creston J. Mills, Jr. Acting Chief-Bureau of Engineering Access Permits

LB/es

cc: Stephen C. Barnhart J. Ogle attachment

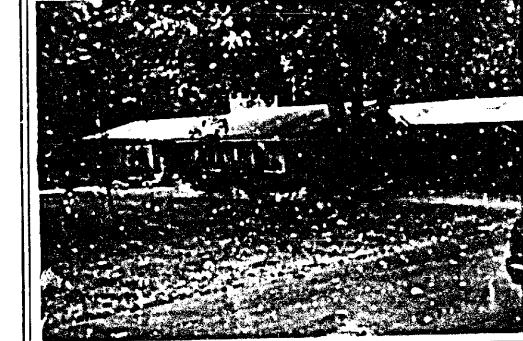
PETITIONER(S) EXHIBIT (3)

PHOTOGRAPH ADDENDUM

Borrower/Client Jerome L. & Shirley A. Folker Property Address 3 Rainbow Court

City Owings Mills County Baltimore State MD

FRONT OF SUBJECT PROPERTY



69-317-XA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 19th day of Rovember , 1987.

J. ROBERT HAIRES
ZONING COMMISSIONER

Petitioner Jerus L. Molker, et ur Petitioner's Richard Block, Secuire

Received by: Jones E. Dyer Chairman, Zoning Plan Advisory Committee

Maryland Department of Transportation State Highway Administration

Richard H. Trainor Hal Kassoff

November 12, 1987

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204 Att: James Dyer

Re: Baltimore County Item #167 Property Owner:
Jerome L. Kolker,
Location: SE/C Fark
Heights Avenue
Maryland Route 129
and Rainbow Court
Existing Court

Existing Coning: Variance to permit four

persons othr than the

disabled person to be WOV 17 1987

ZONING OFFICE

Used as a home occupation of a disabled person. Petitioner requests that this petition be considered and passed upon separately from the special exception petition filed by petition filed by Petitioner relating to the same proeprty to which this petition relates and a Special Exception for a home

occupation of a disabled person in an R.C. Zone Area: 1.49 acres District 3rd

Dear Mr. Haines:

On review of the submittal of October 9, 1987, the State Highway Administration, Bureau of Engineering Access Permits offers the following comments.

This plan must be revised to show entrance improvements within the State highway right-of-way on Park Heights Avenue.

These revisions include construction of Standard Type "A" combination curb and gutter with 10' radius curves and a 5' tangent section from the southern property line, and bituminous concrete paving as outlined on the attached sketch.

My telephone number is (301) 333-1350 Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Bultimore County Fire Department Towson, Maryland 21204-2586

Paul H. Reincke

194-4500

November 25, 1987 J. Robert Haines Zoning Commissioner Office of Planning and Zoning

Baltimore County Office Building Towson, MD 21204

Re: Property Owner: Jerome L. Kolker, et ux

Location: SE/C Park Heights Avenue and Rainbow Ct.

Zoning Agenda: Meeting of 11/10/87 Item No.: 167

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ reet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

 $(-\chi)$ 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1975 edition

() 6. Site plans are approved, as drawn.

prior to occupancy.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Cast Accept 11-25-57 Approved: Free Prevention Buttau Special Inspection Division

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE Mr. J. Robert Haines TO Zoning Commissioner January 14, 1987 P. David Fields FROM. Director of Planning and Zoring SUBJECT Zoning Pet tion No. 88-317-A In view of the interpretive nature of this request, this office offers P. David Fields per f Ittouvell cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines TO Zoning Commissioner January 14, 1987 P. David Fields

FROM Director of Planning and Zoning

SUBJECT Zoning Petition No. 88-317-A

In view of the interpretive nature of this request, this office offers no comment.

P. David Fields per J. Houvell
P. David Fields

PDF:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

They recommend to assert the report Anna to writing the



NW/5 of Fullerdate Avenue, 150' NE of Second Avenue - 9th Election District Frank J. Curreri, Sr. - Petitioner NO. 82-123-X (Item No. 52)

BEFORE THE

BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as the result of a Patition for Special Exception for a home occupation of a disabled person, in accordance with Section 1801.1.C.9A of the Baltimore County Zoning Regulations (Bill No. 27, 1981).

The petitioner, Frank J. Curreri, Sr., testified that he has been in the insurance business for twenty years. In 1975, he and his partners purchased an office building for their business. During that same year, Mr. Curreri was advised that he would require surgery due to a serious heart condition. Further testing disclosed the need for a by-pass operation, which was performed in Milwaukee, Wisconsin, because of local limitations. After a recovery period of one year, the partnership was dissolved and the office building was sold. Following his recovery, Mr. Curreri began servicing his insurance clients from an accessory building located on his residential (D. R. 5. 5) lot. His business efforts from this location necessitated improvements to the utili-

ty building, and following a hearing, it was determined that the operation of the business from that location constituted a soning violation.

Mr. Curreri further testified that it was necessary for him to rest sevferal times during the workday and submitted a report from his doctor regardfing his condition as of August 29, 1979 (Petitioner's Exhibit 1), which remains the same. Presently, Mr. Currers, his son, and a part-time secretary conduct the business from the subject property, the latter two people not being permanent members of his household. In addition, Mr. Currerl stated that some clients come to his house, but that they generally come only to pay premiums. He testified that he did not believe this home occupation would be

detrimental to the requirements established in Section 502.1 of the soming reg-

Mrs. Margaret Koenig, a protestant, testified that most of the neighbors were long-time residents and that she felt some had moved away because of the business. She also indicated that the subject property is beautifully kept and that Mr. Curreri is a good neighbor, but that the business contributes to the traffic problem in the area. She stated that the floodlights installed by the petitioner are bothersome because their positioning, angle, and intensity light up the neighborhood to the detriment and inconvenience of the nearby residents.

Section 1801, 1.C. 94 was enacted by the County Council to give legitimacy to those businesses being conducted in residential some by disabled persons who might not otherwise be employable and where such businesses are being conducted in dwellings or accessory structures located on the same lots which are competible with their surrounding neighborhoods. In an effort to minimise the impact of a business operation in the residential sone in which it is located, this section establishes the following conditions:

- 1. Only three persons, including the disabled person and members of his immediate family living on the prem-ises, may be employed.
- 2. The disabled person shall reside on the premises and must be determined to be so severely disabled as to be unable to engage in his occupation away from the
- 3. The special exception shall expire upon the first to
- a. five years after issuance of the permit (interpreted to mean the granting of the special ex-
- b. death of the disabled person.
- c. termination of the disability, and
- d. failure of the disabled person to permanently reside on the premiees.

The regulation provides for the special exception to be continued beyond the initial five years, but only after another special exception is anni-

Item # 167

LAW OFFICES SHILING AND BLOCH, P.A. SUN LIFE BUILDING 20 S. CHARLES STREET BALTIMORE, MARYLAND 21201

January 18, 1988

(301) 332-0100

Mr. J. Robert Haines Zoning Commissioner Baltimore County Zoning Office 111 West Chesapeake Avenue Towson, MD 21204

> RE: Case No. 88-317 - A, S/E Corner Park Heights Ave. & Rainbow Court (3 Rainbow Court), 3rd Election District, Jerome L. Kolker, et ux, Petitioners

Dear Commissioner Haines:

Enclosed for filing in the above case are ten (10) copies of a Supplemental Statement to Petitioners' Special Exception Petition. Please forward a copy to the appropriate County agencies or departments to guide their comments.

Thank you very much for your cooperation.

Very truly yours, SHILING ANC BLOCH, P.A.

Thomas G. Garrison

TGG/c1 Enclosure

RICHARD BLOCH

DAVID J. HIRSCH

TE; DMAS G. GARRISON

cc: Jerome C. Kolker

JAN EU 1903 ZONING OFFICE

THE FURNISH CHITICS PLANT IS TO EMOUD THE LEVER OF THE THE THE THE STATE OF THE STATE STATE SHOULD BE SEVERED TO SEVERE A STATE OF THE SHOULD BE SEVERED AS MEMBERS AS STATE SHOULD BE SHOULD BE SEVERED AS STATE OF THE SHOULD BE SHOULD B HATES: THE PROPERTY PHIND HELELY TO CHIEF EXTERIOUS L. . CHREET KOLHER, HERITE BY DEED CARED MAY 19, 1000 AND HELMOUD LIBER THE LAND MEDICOS OF BELTIMOPE CO. TEREN 110 LIPER 4019 1900 200. MOTE PETITIONER SEEKS SPECIAL EXCENTIONS THE HOME OCCUPATION Roden 255 CHECK AMONG FROM AND LABOURE TO FERRING A EMPLOYEES. A TOWNER FENTERS OF FROM BUSINESS 12 FLOWER & 718 64 mg 2 of Living Akea TOTAL STANKE FROMES CETTINGE . 5,168 SIPT ていたい マム・シ / the taken All Theire Hill CARLO Zanto. 120.5 ----1 pomes Wholes VALUE FEDE 8,287 **温いた にいち** FRENCH RANGE AND NO. 智斯 近年 体物色色性品。 PLAT FRE TOFFEREL ENGEPT PETT PROPERTY PROPERTY PARTY PROPERTY PROPERTY PARTY PROPERTY PARTY PROPERTY PARTY NOTE THO SHE IS NOTE IN IN CLITCH DETECTION FILE T ್ಟರ್ಕ್ನು ಚಿತ್ರವಾಗಿಕೊಂ<mark>ತ</mark>್ತು ಕಡೆತ್ತು. WELL & THEY HAVE AND AND THE AND THE AND AND THEY WAS THE PROPERTY AND THEY WAS AND THE WAS AN REALED NO. L. CE PARCE. STATIEN C BARNHART RPS: 48 RAINBOW PARK I ELEVETING SOFT LAND FLANNING 501 E. 1-50 MJ. Em. Car FINHS WIRL, MARYLAND SIDAS PLATSWOK 31 FALLS GO TELEPHINE (50) +6150

By reason of the requirements of Sections 302.1 and 180:.1.C.9A of the Baltimore County Zoning Regulations having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT is ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of January, 1982, that the herein Petition for Special Exception to conduct an insurance business from a structure accessory to the petitioner's residence located at 9406 Fullerdale Avenue as a home occupation of a disabled person, in accordance with the site plan prepared by J.S.T. Engineering Company, Inc., dated August 27, 1981, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- 1. An annual medical report detailing the petitioner's physical condition and indicating the status of the disability shall be filed with the Zoning Commussioner, or his designated representative, within ten days of the anniversary date of this Order for each year of the remaining four years of this special exception, unless otherwise terminated by death, termination of disability, or failure of the disabled person to permanently reside on the prem-
- 2. Only three persons, including the disabled petitioner and members of his immediate family living on the premises, shall be employed.
- 3. The number of business clients shall be bent to a minimum to lessen the impact of business parking on the residential etreets.
- 4. The lights on the subject property shall be located. positioned, and shielded to direct the light onto the subject site only in order to minimise the intensity and glare off site.
- 5. The special exception shall terminate five years. from the date of this Order, unless extended in accordance with Section 1801.1.C. 9A of the Baltimore County Zoning Regulations.
- 6. Approva: of the aforementioned site plan by the I'm-

partment of Public Works and the Orfice of Planning and Louing.